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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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Held at the Palais des Nations, Geneva,
on Monday, 30 November 1998, at 10 a.m.

Chairperson: Mr. ALSTON

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The meeting was called to order at 10.10 a.m.

GENERAL DISCUSSION: "RIGHT TO EDUCATION (ARTICLES 13 AND 14 OF THE COVENANT)" (agenda item 7) (E/C.12/1998/11, 13, 14, 15, 16, 17, 18, 20, 21, 22 and 23)

1. The CHAIRPERSON began the debate by emphasizing the importance to the Committee's work of the principle of human rights "mainstreaming", which was strongly supported by the United Nations Secretary-General and the United Nations High Commissioner for Human Rights. The principle was based on the need for agencies and the various sections of the United Nations Secretariat concerned with human rights to achieve greater collaboration, cooperation and complementarity in their work, which was often characterized by competition and rivalry between and within organizations. Mainstreaming was particularly apposite to the forthcoming discussion, because in part the right to education had fallen victim to that inability to collaborate effectively.

2. The discussion, which he hoped would focus on proposals for action rather than on a rehashing of the material contained in the many documents which had been provided, was taking place at a time when 835 million functionally illiterate people lived in the world and 130 million children, two thirds of them girls, had no access to basic education. Their lives and those of future generations would be blighted, and their situation would exert a major impact on their countries' right to development. Nevertheless, historically the absence of the right to education had not provoked as much interest as, for example, the plight of those subjected to torture, and it was only in the current year that the Commission on Human Rights had appointed its first ever Special Rapporteur on the right to education.

3. The first of the key issues which the discussion should address was the indivisibility of rights. The term was often used, but rarely examined thoroughly. Did the participants see education as an economic, social, cultural, civil or political right, or a combination of some or all of those?

4. The second important issue was the relationship between the International Covenant on Economic, Social and Cultural Rights and other instruments with a bearing on the right to education. A problematic and difficult relationship existed between the present Committee and the Committee on the Rights of the Child, and between the Covenant and the Convention on the Rights of the Child. Both instruments contained extremely important statements on children's right to education, yet much of the relevant research cited only the Convention and ignored the Covenant. Did the participants consider that to be a serious problem? Other fundamental instruments with a strong bearing on the right to education were the Convention on the Elimination of All Forms of Discrimination against Women and the Convention for the Protection of Human Rights and Fundamental Freedoms. Unfortunately, the former focused too narrowly on non-discrimination rather than on equal access, and the latter, although it specifically stated that no person should be denied the right to education, was too often interpreted in a narrow and unhelpful manner by the European Court of Human Rights. Moreover, no one had thought fit to challenge such judgements.

5. The third important issue to be addressed was the status of the term "right to education" in official legislation. Should that right, when enshrined in national constitutions, be given precedence over other economic and social rights proclaimed in them? Moreover, the concept of education as a human right hardly featured in the publications of United Nations agencies, with the notable exception of UNICEF. Even the Vienna Convention and Programme of Action did not go beyond urging the desirability of education. Only the Committee, and more recently the incumbent United Nations High Commissioner for Human Rights, had laid real emphasis on the acceptance of education as a right to be enjoyed regardless of economic status.

6. The fourth vital issue to be considered was the nature of the obligation to implement the right to education. What might the minimum core content comprise? What areas were to be given priority, and how was that priority to be justified?

7. Another important issue was the economic dimension of the right to education. Was the Covenant's assertion of the right to education realistic in a world where user fees were charged and parents could choose whether to pay for their children's education? Would that downward spiral end with the complete erosion of the right to free primary education? Meanwhile, all over the world the right to a free university education was being superseded by a system that allowed students free access, only to burden them later with repayments on their ever-escalating fees. In the context of that retrograde development, what was the relevance of the Covenant?

8. The sixth and last issue was the role of the courts. It was difficult to conceive of the right to food as being justiciable on a comprehensive basis, but did that apply to the right to education?

9. How did the participants regard benchmarks, and did they, like him, consider that the current system of reporting on the right to education was too fragmented to be really effective? Did not the large number of independently acting organizations involved prevent the build-up of the momentum needed in order to attract serious attention?

10. Finally, the Committee might wish to consider whether agencies such as UNESCO and UNICEF could have done more, within the context of technical cooperation, to help countries implement article 14 of the Covenant.

11. Ms. TOMAŠEVSKI (Special Rapporteur of the Commission on Human Rights on the right to education) said that, with regard to indivisibility, there were two main considerations affecting the work of the Committee. The first concerned implementation: did the fact that the majority of countries had compulsory primary education mean that the right to education under the Covenant had been realized? What significance could the realization of free compulsory education have beyond its meaning in the Covenant?

12. The second consideration, which affected the right to education at every level from families to international financial institutions, was resource allocation, a political process in which the indivisibility of human rights should feature prominently. Its implementation involved the exercise of political rights, and afforded the economic, political and human rights

of those at the receiving end. In that regard, the combination of liberalization, privatization and globalization which characterized the economic policy of the 1990s had prevented the emergence of sustained political pressure in favour of investment in primary education, mainly because it was a model that aimed at achieving sustained economic growth without relying on human resources. That frightening prospect should stimulate the participants to reflect seriously on the duties and responsibilities of those who exercised their political rights in determining resource allocation.

13. In contrast to primary schoolchildren, who were scattered throughout the country and exercised no political rights, students and lecturers in higher education were concentrated in capitals and main cities and constituted an articulate militant political constituency, which ensured that their interests were given high priority. The allocation of educational resources clearly reflected that situation, the more so as the parents of primary school children were often concerned simply with economic survival.

14. Thus, there was scope for the Committee to shift the debate on the right to education by focusing on the indivisibility of rights in the context of the interplay between the economic and political rights of different groups. The objective would be to adopt an approach that integrated human rights into macroeconomic and fiscal policy and decisions on resource allocation.

15. The Committee was very well placed to examine indivisibility, resource allocation and non-discrimination in the context of the right to education in a manner that avoided the fragmentation of the existing debate, which was largely a reflection of the diversity of the instruments underpinning that right.

16. Mr. MEHEDI (Member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities) said that the Sub-Commission had included the right to education on its agenda throughout the United Nations Decade for Human Rights Education. A working document summarizing activities during that period had been submitted to the 50th meeting of the Sub-Commission. By the end of the current year, the Sub-Commission would produce a far more detailed document on the right to education, with particular emphasis on its social dimension and the freedoms it implied, and its character as an instrument that brought together civil, political, economic, social and cultural rights. The document would also specify means of promoting education in the field of human rights. Its objective was to promote the implementation of the right to education in tandem with the promotion of education on human rights.

17. The indivisibility of the right to education and other human rights was reflected strongly in the two international covenants on human rights, and featured prominently in the Vienna Declaration and Programme of Action. He hoped that the discussion would focus on the indivisible and cross-sectoral nature of the right to education.

18. The decision by the Sub-Commission, an independent body of experts, to address the question of the right to education in conjunction with education in human rights was a development of historic importance, particularly as it had occurred in the same year as the international community's celebration of the fiftieth anniversary of the Universal Declaration of Human Rights.

19. Ms. SAVOLAINEN (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that article 13 of the Covenant covered two dimensions of education that should also be regarded as indivisible: the right to education, and its aims and content. The latter dimension was of major concern to UNESCO, which was promoting education for democracy, understanding, tolerance and peace as a means of strengthening human rights and fundamental freedoms. Education for a culture of peace, a central pillar in UNESCO's current policy, was already an element of article 13 of the Covenant and of article 26 of the Universal Declaration of Human Rights.

20. In view of the burden that reporting on compliance with various international standards laid on Member States, and the unevenness in the quality of such reports, an effective system of combining reporting systems relating to the right to education would be welcomed. UNESCO had a reporting system in place in connection with its Convention and Declaration against Discrimination in Education. The most recent consultation under that heading was focusing on the basic education of four population groups: women and girls, persons belonging to minorities, refugees, and indigenous peoples. Another reporting mechanism in operation related to implementation of the UNESCO 1974 Recommendation on Education for International Understanding, Co-operation and Peace.

21. She drew attention to the very comprehensive body of international standards relevant to human rights education which served as a guide for UNESCO's work in producing practical tools to promote the process, a recent example being a manual for the teaching of human rights at primary and secondary school level. Teaching material for use in civics education in primary and secondary schools was also being provided by UNESCO on topics such as peace, human rights, democracy and tolerance. Other material drew the attention of teachers to the assistance that contemporary and classic cinema could give in education for tolerance and to recent research findings which showed that organization of schools and classrooms on democratic lines improved the results given by traditional education. UNESCO materials were sent to all ministries of education, and were on public sale, but assistance was also needed from funding agencies in having such material translated into local languages where applicable.

22. Ms. GORDON (UNESCO) said that any attempt to reduce the fragmentation of effort that currently existed in relation to the right to education would be welcome, since divergencies of approach placed a heavy burden on agencies and on governments.

23. Much of UNESCO's work was, of course, directed to implementation of the right to education. Exercise of that right was twofold: it implied the provision not only of access to schooling, but also of a school environment that made learning accessible to the child. Considerable progress had been made in the former regard. UNESCO's contribution in that area was not

primarily in the provision of funds, since it was not a donor agency, but in advocacy, technical assistance, monitoring and promotion of sustainable strategies. However, elements other than access to school affected the right to education, in particular economic factors, the unequal distribution of wealth at both international and national level inevitably having an impact. Although poverty was not necessarily the principal reason for failure to attend school, it did influence family priorities and militate against education. Economic trends in countries, both favourable and unfavourable, affected family income and the ability to keep children in school.

24. As far as the school environment was concerned, teacher quality was very important in making learning accessible to children, but teacher training costs were high. With regard to educational materials, in order to learn a child needed access to books for lessons and general reading, both at school and in libraries. There the problem was not merely the need to provide funds to purchase books, but the more fundamental one of promoting book production, since publishers were reluctant to embark in what was a high-risk business. In the area of the teaching curriculum, which in primary education everywhere covered the same basic subjects, the problem was to link their presentation in a meaningful way to the child's home environment. Children entering the school system already had a considerable body of knowledge in many areas which the teaching process should use as a basis for developing their understanding and ability to learn, rather than endeavouring to work from concepts alien to their background.

25. Cooperation between the various agencies involved in implementing the right to education was a prime necessity. A measure of collaboration was often achieved at headquarters level that was sadly lacking in the field. Although the system of resident coordinators at country level would assist in achieving the necessary teamwork, it was not yet a reality.

26. Mr. COPPENS (United Nations Development Programme (UNDP)) said he would welcome comments from participants on a discussion paper prepared by UNDP on the right to education in the context of sustainable human development. Although UNDP did not have a specific mandate to promote education, its overall aim of poverty eradication, focusing on good governance, gender advancement, creation of sustainable livelihoods and regeneration of the environment, gave it an interest in the topic, since lack of education hampered the enlargement of choices required for sustainable human development. In a recent policy document entitled "Integrating human rights with sustainable human development", UNDP had undertaken to address all aspects of its work from a human rights perspective. It was currently endeavouring to translate those principles into practical action at field level, although that at times generated some strains at government level.

27. UNDP policy on the right to education was subsumed in its objective of sustainable human development, in the follow-up to the 1990 World Conference on Education for All (WCEA), and in its rights-based approach to development. The 1997 Human Development Report had included a statistical measure of poverty, the Human Poverty Index (HPI), that set the right to education at the centre of the sustainable human development process and provided an insight into the nature of poverty that income measurements alone failed to provide. The Report had determined that poverty eradication could not be achieved by

relying solely on economic growth and macroeconomic stability and concluded that poverty in itself was also a denial of human rights, a statement that had generated some strong opposition.

28. UNDP's poverty eradication programmes focused on the structural inequalities in society and, in the educational field, aimed at free and compulsory education for all. UNDP considered that education did not necessarily have to be provided through formal schooling, and gave considerable attention to education outside the traditional school setting, which could last throughout life. One vehicle for delivery of education was the "20/20 initiative" calling for assignment of 20 per cent of national budgets and 20 per cent of development assistance to the social sector, including education.

29. Success in education programmes was dependent on understanding the reasons why a person lacked schooling and determining the responsibilities of the various partners in the education process. UNDP's financial assistance to basic education was directed to primary schooling and alternative programmes, early childhood development, basic education for youth and adults and education through traditional and modern media and social action. Special attention was paid to linking education with sustainable livelihoods, health care and related services and community development. The education of women and girls remained a central theme of UNDP support.

30. As regards future action, UNDP looked forward to the Education for All Assessment due on the tenth anniversary of the WCEA. UNDP would also encourage the dissemination of lessons learned and was studying a proposal for establishment of partnership facilities to enable highly indebted poor countries to manage resources made available by debt relief, such as by channelling them to the social sector, including education. Great importance was attached to new approaches, such as electronic educational networks.

31. Ms. BASSANI (United Nations Children's Fund (UNICEF)) said that UNICEF considered the right to education to be central to the enjoyment of all other rights, since education was a passport to survival. Attainment of literacy, numeracy and basic life skills was at the heart of all its work. Of the 700 million school-age children in the world, 130 million did not attend school. That was twice as many as the 64 million school-age children living in the industrialized countries. The world was about to enter the twenty-first century with one sixth of its inhabitants unable to read or write. If nothing was done to tackle the problem, the figure of 130 million children of school age not attending school would have swollen to 165 million by the year 2015. However, as 55 per cent of those children lived in only five countries, namely, Bangladesh, Ethiopia, India, Nigeria and Pakistan, immediate action in those countries could help to resolve a large measure of the problem.

32. UNICEF was committed, along with other agencies, to the goals of the 1990 World Conference on Education for All. Being a goal-oriented agency with proven ability to achieve results in the field, while others determined the larger agenda and set standards and policies, UNICEF had, in the light of the Education For All (EFA) indicators, adopted the following goals: to achieve gender equality in access to education; to ensure that all children

had access to primary education; to ensure that all children had access to literacy, numeracy and basic life skills; and to ensure that all children completed at least five years' education.

33. It would be fairly simple to monitor progress towards those goals by using core EFA indicators such as enrolment ratios in primary school and the percentage survival rate to grade 5. Such data should be collected in all Member States and made available by electronic means within two years.

34. There were five main factors determining the fate of the 130 million children who did not have the benefit of primary education: distance from school; affordability; respect for diversity; learning environment; and, lastly, political will, a crucial factor which all too often was lacking. National and international agencies must work together by setting common goals to help create the necessary political will to ensure universal primary education.

35. According to the findings of research conducted by UNICEF and the World Bank, it would cost approximately US$ 70 billion to get those 130 million children into primary schools. In relative terms, that was not a very large sum of money - more or less equivalent to what European countries spent on ice cream in 10 years. The international community had the collective responsibility of conveying the message that such a goal was easily attainable.

36. At present a maximum of 4 per cent of official development assistance (ODA) was allocated to basic education. Perhaps, in the catch-up phase, the developed world might consider increasing that percentage. UNICEF would shortly be launching a political mobilization campaign among the industrialized nations to that effect. The aim was to create public awareness about the need for basic education and to bring public pressure to bear on the policy makers concerned.

37. It would be useful if the Committee could examine the goals and targets established by UNICEF to see how and where they might be used in the Committee's ongoing dialogue with States parties. UNICEF would in turn welcome the Committee's guidance on how to create and sustain the necessary political will to achieve education for all.

38. The CHAIRPERSON hoped that Mrs. Bassani's words would inspire the Committee and other agencies represented at the meeting to rise to the challenge that confronted them. There could be no doubt that, with UNICEF's current efforts and a major campaign on the right to education to be launched in 1999 by Oxfam, the time was ripe for action. He invited comments from the Committee on how it might act as a catalyst for such action and use the goals and targets set by UNICEF and other agencies. Also, what were the views of members on the establishment of a mechanism to monitor the achievement of those goals?

39. Mr. RIEDEL said that, while the statements made by various representatives, together with the background papers submitted, had provided a useful overview of the issues relating to the right to education, they tended to focus on rather abstract notions and policy-oriented goals, which the

Committee would find difficult to use in its work. The Committee required specific benchmarks and indicators, relating to concepts embodied in the Covenant, such as quality of education and discrimination, to which it could refer in its dialogue with States parties. In that connection, he had found the indicators such as enrolment, drop-out and literacy rates and the breakdown according to habitat, gender and ethnic origin contained in the background paper submitted by Isabell Kempf (E/C.12/1998/22) particularly useful. Once suitable indicators had been identified, the problem remained of which ones should be selected. There would be a need both for universal indicators established by United Nations bodies and for national indicators.

40. The Committee would welcome the advice of Ms. Tomaševski, Special Rapporteur of the Commission on Human Rights on the right to education, on how it could most effectively cooperate with other agencies in promoting the realization of that right.

41. The CHAIRPERSON, while agreeing with Mr. Riedel on the importance of benchmarks and indicators, saw no need to focus too closely on the Committee's dialogue with States parties, which was rather too limited in scope to deal comprehensively with such a broad subject as the right to education; it could be better covered in the written reports submitted by States parties.

42. Ms. BONOAN-DANDAN said she had been struck in particular by Ms. Tomaševski's comment about how to determine whether the right to education had been realized. There was much debate in many countries about the advantages and disadvantages of free education. As free education had been progressively introduced in her country, in some cases up to secondary level, she had observed a notable decline in quality. In that connection, she endorsed Ms. Gordon's remarks about the quality of education and the importance of the school environment. A problem she had often encountered was the scarcity of textbooks, due mainly to the high costs of publishing. That proved that the right to education was closely linked to the right to culture.

43. She welcomed the background paper submitted by Mr. Meyer-Bish (E/C.12/1998/17) and looked forward to hearing his statement. She agreed with Ms. Bassani on the need for goals and targets as well as for the Committee to coordinate its efforts with other United Nations agencies.

44. The CHAIRPERSON, referring to the quality of education, drew attention to page 55 of UNESCO's 1998 World Education Book, which provided some alarming statistics about the number of schools without basic facilities, such as blackboards, chairs for teachers and even running water.

45. Mr. ADEKUOYE said he was particularly interested in the economic aspects of the right to education and endorsed Ms. Bonoan-Dandan's views on the quality of education. In many African countries fees for basic education had recently been reintroduced, which ran counter to article 14 of the Covenant. Aside from fees, other, indirect costs for uniforms, extracurricular activities and even school repairs were clearly an unacceptable burden for parents, leading to a rise in the drop-out rate, with serious consequences for future generations and the nation as a whole.

46. There were several issues to be considered in regard to the funding of education. The first was a country's ability to generate sufficient funds to pay for free compulsory education. The second was international assistance and cooperation, referred to in article 2.1 of the Covenant. The United Nations had recommended that 0.7 per cent of the gross domestic product (GDP) of industrialized nations should be set aside for ODA, yet that recommendation was rarely followed up. It was difficult to persuade Member States to allocate more resources for education in other countries, when they were reducing their own education budgets.

47. Thirdly, the Committee should in future lay greater emphasis, in its dialogue with States parties, on the importance of better economic management, so as to generate sufficient resources to protect the rights enshrined in the Covenant.

48. Mr. GRISSA said that respect for the rights enshrined in the Covenant was the responsibility of individual States parties and not the rest of the world. Depriving European children of ice cream to pay for the education of children in another country would constitute a violation of the former group's rights. It was worth noting that in some developing countries more money was spent on cigarettes than food and more on defence than education. The rights of many children in developing countries who were not attending school were being violated by their own parents or Governments. Such children might be employed in factories building atomic bombs, or be conscripted into the armed forces where they were taught how to kill, when no more than 10 years old. He did not believe that the solution to the problem was to seek more resources from the wealthier nations. In countries whose governments were not aware of their responsibilities towards their citizens, additional development aid would make little or no difference.

49. Mr. SADI said that, when referring to compulsory education, it was important to qualify what type of education was desired. It must be remembered that contemporary society, beset by problems of racial and religious intolerance, war and strife, was the result of compulsory education systems currently prevailing in the world. His preference would therefore clearly be for a form of compulsory education that might help to resolve some of those problems in future.

50. The responsibility for compulsory education certainly lay first and foremost with national authorities, the difficulty being that some countries did not give it sufficiently high priority. A way of persuading them to do so must be found, possibly through greater efforts at national level.

51. A further concern, which warranted some reflection, was the possible globalization of education systems in future, consequent upon the globalization of the world economy.

52. Mr. CEVILLE observed that neither the documentation available on the right to education nor international instruments which referred to it provided a clear definition of what it meant or the prerequisites for it. Perhaps the Committee, in cooperation with other competent agencies, might wish to assume the task of identifying some of those prerequisites. They might include high standards of teaching and knowledge, relevant to the needs and aspirations of

society, the provision of sufficient resources and their effective use, together with international cooperation and the participation of international financial institutions. Once identified, such elements could be incorporated in the guidelines for States parties concerning the preparation and submission of reports, thereby helping the Committee to focus more clearly on the right to education in its dialogue with States parties.

53. The CHAIRPERSON invited comments from representatives of the agencies present on the close link between the right to education and other human rights, and sought guidance as to how the Committee might highlight that important aspect of its work.

54. Mr. MEYER-BISCH (University of Fribourg, Switzerland) said that if cultural rights were to be effectively realized, more complex indicators would need to be gradually developed. Realization of the right to education was not costly in financial terms, but it had a considerable political cost, as it also presupposed the realization of associated rights, such as linguistic rights and the right of access to the cultural heritage. A detailed list should be prepared of all the interrelated rights that together made up the right to education, and a distinction drawn between active obligations and passive obligations, such as the obligation to collaborate with intergovernmental financial institutions. Within those obligations lay the "intangible nucleus": elements of those rights that were immediately applicable. In that regard, the documents of the Copenhagen Meeting of the Conference on the Human Dimension of the Organization for Security and Cooperation in Europe (OSCE), on the right to be familiar with human rights, were an effective instrument which could serve as a model for the United Nations. The next international conference on education should take up the question of a comprehensive list of such indicators.

55. The key problem of cultural identity was explored further in his background paper (E/C.12/1998/17). A study should be conducted on the right to identity as a right bringing together and synthesizing all cultural rights. In collaboration with an international working group and UNESCO, the Interdisciplinary Ethics and Human Rights Institute of the University of Fribourg had recently prepared and published a draft declaration on cultural rights, copies of which were available for members' perusal. The Institute was now embarking on a draft text concerning development indicators and cultural matters.

56. The CHAIRPERSON paid tribute to the work done by Mr. Meyer-Bisch on the question of cultural rights, a rare example of serious and focused work in that field. It bore noting that, while OSCE's normative statements emphasized the indivisibility and interdependence of the two sets of rights, in practice it ignored economic, social and cultural rights completely. The same was broadly true of the International Helsinki Federation for Human Rights.

57. He wondered whether there was a linkage between the point made by Mr. Sadi concerning the risk of education becoming globalized, and the point made by Mr. Meyer-Bisch about the deep cultural dimensions of education. Should the Committee be ensuring that the right to education was not used as a tool with which to violate cultural rights - for instance, through the imposition of national curricula on minorities?

58. Mr. KENT (University of Hawaii, United States of America) said that highly centralized funding structures tended not to accommodate diversity. Conversely, if the centres of decision-making were diversified, more possibilities existed for accommodating diverse cultures and other diverse interests.

59. Ms. TOMAŠEVSKI (Special Rapporteur of the Commission on Human Rights on the right to education) said that the Committee had a unique mandate to clarify human rights dimensions and to complement the work of agencies. It could play a pioneering role in creating human rights indicators, by asking questions that would generate data that did not currently exist. One such area was freedom of choice within national education systems; another was data on children who should be at school but were excluded, often as a result of application of internationally prohibited grounds of discrimination: girl children, minority and indigenous children, and children of asylum-seekers. Available enrolment data also failed to capture children over the age of 11, whose right to primary education, provided for under the Covenant, clearly extended beyond that age.

60. Ms. BONOAN-DANDAN, responding to the Chairperson's question concerning education as a potential violator of cultural rights, said that all too often the Committee's dialogues with States parties had revealed just such a state of affairs. Taken to its logical conclusion the process led, not just to discrimination, but to ethnic cleansing. The Committee should look into the issue in greater depth.

61. Ms. CASSAN (UNESCO) said she found Mr. Sadi's remarks rather dangerous. Globalization of the right to education was itself a distant goal; as for globalization of curricula, that was sheer fantasy. The debate should confine itself to realities. UNESCO doubtless failed to rise to the Committee's exalted standards; nonetheless, in its modest way, it sometimes came up with its own findings. One such finding had been that education went beyond human rights. Had UNESCO awaited the advent of the Covenant in 1966, it would have undertaken no educational activities at all for the first 20 years following its inception in 1946. As for the indivisibility of human rights, article 26 (2) of the Universal Declaration of Human Rights referred not only to the right to education, but to the right to education as a human quality. Without education there could in fact be no conception of human rights. UNESCO had taken that perception as its starting point, working not through normative instruments, but through partnerships with Governments, NGOs, schools, children and teachers. Culture was what education saved, not what it violated. Ethnic cleansing was not education, but merely a form of politics known as fascism. UNESCO had also discovered that it was only through one's own language that one could become literate and numerate, as a first step towards gaining full access to one's human potential.

62. The CHAIRPERSON conceded that during the celebrations to commemorate the forty-ninth anniversary of the Universal Declaration of Human Rights at the fifty-third session of the General Assembly, he had had occasion to criticize UNESCO for unilaterally adopting a so-called "Universal" Declaration on the human genome. Significantly, his critical remarks had been suppresed in the UNESCO Newsletter.

63. Ms. BASSANI (UNICEF), speaking on the globalization of education, said her organization's recent experience in Afghanistan suggested that a proper balance had to be struck between education that reflected global, universal values and education that reflected national and subregional values.

64. Mr. HUNT (University of Waikato, New Zealand) said there was a difference between universal and uniform rights: rights might be universal, without necessarily being uniform in their application. Rights could also have a tendency to homogenize, ironing out differences and diversity. Article 15 of the Covenant served as an important antidote to such a tendency.

65. It was encouraging to see so many specialized agencies and programmes involved in the day of general discussion. Their wealth of expertise and information was of great relevance to the work of the Committee. Sadly, the Committee had clearly not yet developed firm, mutually beneficial institutional links with the majority of those agencies and programmes. Such links must be developed in the near future, and there were some encouraging signs in that regard.

66. Specialized agencies had been extremely active in drafting the Covenant; the provisions on the right to education, for instance, had to a large extent been shaped by UNESCO participation. Articles 18 and 23 also envisaged a crucial role for the specialized agencies. It had, however, to be acknowledged that that role had not materialized in practice. The Committee, and perhaps the specialized agencies and programmes too, had been greatly impoverished by that failure to establish institutional links consistent with the letter and spirit of the Covenant.

67. The CHAIRPERSON said that key agencies had indeed helped fashion many of the Covenant's provisions in their own likeness, and it had originally been their hope that they would be entrusted with responsibility for implementing those provisions. Unfortunately, a power struggle between the United Nations and the specialized agencies had ensued, in which the United Nations had been the winner, and of which the Committee was in many ways a victim. It had not been a sensible move to exclude the agencies with the requisite expertise and mandates from that process; and human rights implementation was still suffering from that crucial parting of the ways.

68. Mr. MEHEDI (Sub-Commission on Prevention of Discrimination and Protection of Minorities) said that the right to education was a genuine right, objective, subjective, collective and enforceable through domestic courts and international mechanisms such as the Committee. Consideration of the linguistic and other rights of minorities had an important place in the reports of the Sub-Commission. The Working Group on Minorities had entrusted him with the preparation of a study on intercultural and multicultural education, and he hoped to benefit from collaboration with the Commissions's Special Rapporteur on the right to education in preparing that study. He also wished to pay tribute to the University of Quebec, which would host a seminar on the question to be held on 21 March 1999.

69. Two further obstacles to the effective realization of the right to education should be reflected in reports of the Sub-Commission. The first was the problem of resources, which were highly vulnerable in times of structural

adjustment, and called for an effort of international solidarity. The second was the problem of international terrorism, which had sometimes resulted in attempts to eliminate en masse the leading representatives of a nation's culture.

70. Ms. SAVOILAINEN (UNESCO) supported previous speakers' comments concerning linguistic rights, which represented an important area for cooperation between her organization and the Committee. On the global dimension of education, she cited the report of an independent International Commission on Education for the Twenty-First Century, chaired by Jacques Delors, which stated that education should be as broad and multifaceted as life itself, and which identified four pillars of learning, namely: learning to know; learning to do; learning to live together; and learning to be. Those four pillars embraced acquisition of the tools with which to understand the world; the ability to turn knowledge and understanding to useful ends; the need to participate and cooperate with others in a spirit of tolerance; and the need to take personal responsibility for humankind's collective destiny.

71. Mr. DAVID (Office of the High Commissioner for Human Rights) said that relations between the Committee on Economic, Social and Cultural Rights and other treaty bodies should also be improved. As a more recent text that brought together the two sets of rights in one instrument, the Convention on the Rights of the Child could offer useful input to the latter Committee. The decision of the Committee on the Rights of the Child to divide the provisions of the Convention into eight clusters had prompted States to adopt a comparably comprehensive approach, entailing cooperation between the various ministres in the reporting process. It was regrettable that no member of the Committee on the Rights of the Child - the other Committee with an important mandate to consider the right to education - was participating in the general discussion. The two Committees might consider holding joint discussion days in the future; the possibility of drafting general comments together; and the creation of a small working group to discuss ways of improving reporting procedures to both treaty bodies, with a view, inter alia, to reducing reporting States' workloads.

72. The CHAIRPERSON invited participants to reflect, during the recess, on utopian solutions - such as the preparation of a single consolidated report on the right of education, to be submitted to the various interested Committees and agencies - which might then be modified in the light of practical considerations.

The meeting rose at 1 p.m.